

Message Text

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ORIGIN AF-18

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09/14/73 EXT 29 43

APPROVED BY THE ACTING SECRETARY

S/S - MR. MILLER

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FM SECSTATE WASHDC

TO AMEMBASSY LUSAKA PRIORITY

C O N F I D E N T I A L STATE 183962

E.O. 11652: GDS

TAGS: PFOR, ZA, US

SUBJECT: ZAMBIAN NOTE RE MARSHALL SOGHOIAN CASE

1. IN CALL ON ACTING SECRETARY SEPT. 13 AMB. MWILA SAID THAT HE HAD BEEN INSTRUCTED BY HIS GOVT. TO PRESENT A NOTE (SEE SEPTTEL) TO USG REGARDING ARREST OF MARSHALL SOGHOIAN, A GRZ EMPLOYEE. BEFORE DOING SO, HOWEVER, HE WISHED TO MAKE THREE POINTS ORALLY.

2. FIRST POINT WAS THAT GRZ WANTED BACK IN NEXT TWO DAYS ALL GRZ PROPERTY WHICH HAD BEEN SEIZED BY FBI AT TIME OF SOGHOIAN'S ARREST. SOME OF THIS WAS IN FORM OF MONEY. OVER DOLS 190,000 HAD BEEN TAKEN, AND THUS, THOUGH NEEDED NOW TO PAY GRZ DEBTS IN THIS COUNTRY, WAS NOT AVAILABLE. ADDITIONALLY MANY OFFICIAL GRZ DOCUMENTS, MOST OF WHICH CLASSIFIED, ALSO IN FBI'S POSSESSION. FINALLY, THERE WAS SOME EQUIPMENT WHICH WAS OWNED BY GRZ BUT WHICH SOGHOIAN HAD BROUGHT BACK TO U.S. FOR REPAIRS UNDER WARRANTIES ISSUED BY U.S. FIRMS. THIS EQUIPMENT WAS BADLY NEEDED IN ZAMBIA.

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MWILA EXPRESSED HOPE THAT USG WOULD SEPARATE ISSUE OF MAN

WHO IS U.S. NATIONAL FROM THAT OF PROPERTY WHICH BELONGS TO FRIENDLY SOVEREIGN POWER.

3. SECOND POINT RELATED TO GRZ DOCUMENTS TAKEN AT TIME OF ARREST. GRZ EXPECTED THESE TO BE RETURNED CONSISTENT WITH GOOD RELATIONS BETWEEN TWO COUNTRIES AND IN ACCORD WITH

PERTINENT INTERNATIONAL LAW AND REGULATIONS GOVERNING DIPLOMATIC IMMUNITY. AS THERE WAS GRAVE DANGER THAT THESE DOCUMENTS MIGHT EMBARRASS ZAMBIAN PRESIDENT AND GOVT, THEY MUST BE RETURNED WITHOUT BEING USED IN U.S. COURTS. ALREADY PRESS ACCOUNTS HAD BEEN MOST EMBARRASSING TO ZAMBIA. WHILE AMBASSADOR FAMILIAR WITH HOW PRESS WORKS IN U.S. AND KNOWS USG NOT RESPONSIBLE FOR WHAT APPEARS IN PRESS, FACT REMAINS SEVERAL ARTICLES HAVE CONTAINED HIGHLY DEROGATORY STATEMENTS (E.G. PRESIDENT KAUNDA WAS BUGGING GRZ OFFICIALS AND BUGGING DEVICES BEING USED AGAINST CHINESE). MWILA REITERATED THAT ZAMBIAN DOCUMENTS SHOULD BE RESPECTED AS BELONGING TO SOVEREIGN STATE OF ZAMBIA.

4. THIRD POINT WAS OBSERVATION RATHER THAN REQUEST. METHOD OF HANDLING ARREST AND INITIAL FBI PRESS RELEASE HAVE BEEN EMBARRASSING TO GRZ. SPECIFIC REFERENCE TO GRZ SHOULD NOT HAVE BEEN MADE IN PRESS RELEASE. THIS INITIAL REFERENCE HAS BEEN PICKED UP BY PRESS AND PLAYED UPON TERRIBLY. MOREOVER, USG MIGHT HAVE INFORMED GRZ AHEAD OF TIME THAT IT WAS "UNHAPPY" WITH SOGHOIAN, AND THUS GIVEN ZAMBIAN AMBASSADOR OPPORTUNITY TO STRAIGHTEN THINGS OUT QUIETLY WITHOUT RASH OF PUBLICITY. FINALLY, GRZ DID NOT LEARN OF ARREST ITSELF UNTIL AFTER FACT.

5. ACTING SECRETARY SAID THAT WE VALUED OUR RELATIONS WITH ZAMBIA AND WANTED TO DEVELOP THEM FURTHER. DEPT. WAS DOING, AND WOULD CONTINUE TO DO, ITS UTMOST TO PREVENT EMBARRASSMENT TO ZAMBIAN PRESIDENT AND GRZ. HOWEVER, AS AMBASSADOR NOTED, USG CANNOT CONTROL PRESS, WHICH SOMETIMES PULLS NO PUNCHES EVEN IN RESPECT TO OUR OWN GOVT.

6. AS FOR FUNDS AND DOCUMENTS, THESE ARE NOW IN CUSTODY OF CONFIDENTIAL

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U.S. COURTS, AND THEIR ULTIMATE DISPOSITION IS UP TO COURTS. JUSTICE HAS INFORMED US THAT THERE IS NO WAY TO IDENTIFY CHECKS AS BELONGING TO GRZ. THEY ARE CASHIER CHECKS MADE OUT TO SOGHOIAN. STILL, IN INTERESTS U.S.-ZAMBIAN RELATIONS, WE ARE ALREADY IN TOUCH WITH JUSTICE TO FIND OUT WHETHER THERE IS SOME MEANS OF DETERMINING THAT CHECKS BELONG TO GRZ AND THUS POSSIBLY PERMITTING THEIR RETURN. ACTING SECRETARY ASKED AF/E DIRECTOR, WHO WAS PRE-

SENT, TO TALK WITH DEPT'S LAWYERS, WHO IN TURN WOULD CONTACT JUSTICE, IN EXPLORING FULLY WHAT MIGHT BE DONE TO PROTECT ZAMBIA'S RIGHTS. WHILE NOT ABLE PROMISE ANYTHING SPECIFIC, ACTING SECRETARY ASSURED MWILA THAT USG WOULD LIVE UP TO ALL PERTINENT INTERNATIONAL OBLIGATIONS RE MATTER, AND DO JUST AS MUCH FOR ZAMBIA AS IT WOULD FOR ANY OTHER COUNTRY IN WORLD. WE HAVE TO WORK WITHIN OUR SYSTEM, BUT WITHIN THIS SYSTEM WE WILL DO WHAT WE CAN TO

PROTECT ZAMBIA'S RIGHTS AND DO IT EXPEDITIOUSLY.

7. WHILE EXPRESSING APPRECIATION, MWILA COMMENTED THAT IF PERSONAL DOCUMENTS OF PRESIDENT KAUNDA BECOME INVOLVED IN AMERICAN JUDICIAL PROCESSES, THERE COULD BE SERIOUS CONSEQUENCES IN U.S.-ZAMBIAN RELATIONS. FURTHERMORE, USE OF DOCUMENTS COULD LEAD TO OTHER GOVERNMENTS' TAKING SIMILAR ACTION AGAINST USG IN THEIR COUNTRIES. RUSH

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